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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee*

Rapporteur: Mrs. Cécile **Mballa Eyenga** (Cameroon)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-first session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item jointly with sub-item 68 (b), entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", at its 22nd to 35th meetings, from 19 to 21 and from 24 to 28 October 2016. The Committee held a general discussion on the sub-items at its 36th to 38th meetings, on 28 and 31 October, and considered proposals and took action under sub-item 68 (c) at its 46th, 48th, 49th and 56th meetings, on 8, 15 and 22 November. An account of the Committee's consideration of the sub-item is contained in the relevant summary records.[1]

3. For the documents before the Committee under this sub-item, see document A/71/484.

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* The report of the Committee on this item is being issued in five parts, under the symbols A/71/484, A/71/484/Add.1, A/71/484/Add.2, A/71/484/Add.3 and A/71/484/Add.4.

[1] A/C.3/71/SR.22, A/C.3/71/SR.23, A/C.3/71/SR.24, A/C.3/71/SR.25, A/C.3/71/SR.26, A/C.3/71/SR.27, A/C.3/71/SR.28, A/C.3/71/SR.29, A/C.3/71/SR.30, A/C.3/71/SR.31, A/C.3/71/SR.32, A/C.3/71/SR.33, A/C.3/71/SR.34, A/C.3/71/SR.35, A/C.3/71/SR.36, A/C.3/71/SR.37, A/C.3/71/SR.38, A/C.3/71/SR.46, A/C.3/71/SR.48, A/C.3/71/SR.49 and A/C.3/71/SR.56.

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4. At the 22nd meeting, on 19 October, the United Nations High Commissioner for Human Rights made an introductory statement and responded to the questions posed and comments made by the representatives of the United States of America, China, the Islamic Republic of Iran, Eritrea, Ireland, Colombia, Belarus, Brazil, Canada, Romania, the Russian Federation, Indonesia, Japan, the United Kingdom of Great Britain and Northern Ireland, Latvia, Libya, Qatar, Argentina, Liechtenstein, Norway, Australia, Cameroon, Cuba, Iraq, the Democratic People's Republic of Korea, Mexico, Egypt, Azerbaijan, the Republic of Korea, the Bolivarian Republic of Venezuela, Costa Rica, Algeria, Ghana (on behalf of the Group of African States), the Sudan, the Syrian Arab Republic and Morocco, as well as by the observers of the European Union and the State of Palestine.

5. At its 23rd to 36th meetings, on 20 and 21 and from 24 to 28 October, the Committee heard introductory statements by special procedure mandate holders and chairpersons of treaty bodies and other experts, who subsequently responded to questions posed and comments made by representatives and observers (for details, see A/71/484/Add.2, sect. I).

II. Consideration of proposals

6. At the 48th meeting, on 15 November, the representative of the Bolivarian Republic of Venezuela made a statement on behalf of the Movement of Non-Aligned Countries.

7. Also at the 48th meeting, the representative of Belarus moved for the adjournment of debate on agenda item 68 (c) under rule 116 of the rules of procedure of the General Assembly. Statements in favour of the motion were made by the representatives of China and Cuba; statements against the motion were made by the representatives of Saudi Arabia and Norway (also on behalf of Australia, Iceland, Liechtenstein, New Zealand and Switzerland).[2]

8. The motion was rejected, by a recorded vote of 101 to 32, with 37 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Bangladesh, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, Burundi, China, Comoros, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Gambia, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Myanmar, Nicaragua, Russian Federation, Singapore, Sudan, Syrian Arab Republic, Tajikistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Against:

Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany,

[2] See A/C.3/71/SR.48.

Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kiribati, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Oman, Palau, Panama, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen, Zambia.

Abstaining:

Armenia, Bhutan, Cambodia, Colombia, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Ghana, Kazakhstan, Lesotho, Libya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mozambique, Namibia, Nepal, Niger, Nigeria, Pakistan, Paraguay, Philippines, Rwanda, Saint Vincent and the Grenadines, Senegal, Seychelles, Sierra Leone, Sri Lanka, Suriname, Swaziland, Thailand, Trinidad and Tobago, Uganda, United Republic of Tanzania.

A. Draft resolution A/C.3/71/L.23

9. At its 48th meeting, on 15 November, the Committee had before it a draft resolution entitled "Situation of human rights in the Democratic People's Republic of Korea" (A/C.3/71/L.23), submitted by Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, the Netherlands, Palau, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Albania, Argentina, Benin, Bosnia and Herzegovina, Chile, Georgia, Honduras, Maldives, the Marshall Islands, Montenegro, New Zealand, Norway, San Marino, Serbia, the former Yugoslav Republic of Macedonia and Turkey joined in sponsoring the draft resolution.

10. At the same meeting, the representative of Slovakia made a statement on behalf of the European Union and orally revised operative paragraph 14 (k) of the draft resolution.[3]

11. Also at the 48th meeting, the Committee adopted draft resolution A/C.3/71/L.23, as orally revised (see para. 34, draft resolution I).

12. Before the adoption of the draft resolution, statements were made by the representatives of the Democratic People's Republic of Korea, Australia (also on behalf of Canada, Iceland, Liechtenstein and New Zealand) and the United States of America; after the adoption of the draft resolution, statements were made by the

[3] See A/C.3/71/SR.48.

representatives of the Syrian Arab Republic, the Russian Federation, Cuba, China, the Republic of Korea, Egypt, Singapore, Brazil, the Islamic Republic of Iran, the Bolivarian Republic of Venezuela, Myanmar, Belarus and Burundi.

B. Draft resolution A/C.3/71/L.24

13. At the 46th meeting, on 8 November, the representative of Qatar, on behalf of Australia, Bahrain, Canada, France, Jordan, Kuwait, Micronesia (Federated States of), Morocco, Palau, Qatar, Saudi Arabia, Senegal, Turkey, Ukraine, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Syrian Arab Republic" (A/C.3/71/L.24). Subsequently, Belgium, the Comoros, Estonia, Georgia, Germany, Japan, Latvia, Lithuania, Luxembourg, Mauritania, the Netherlands, Oman, Somalia, the former Yugoslav Republic of Macedonia and Yemen joined in sponsoring the draft resolution.

14. At the same meeting, a statement was made by the representative of the Syrian Arab Republic.

15. At the 48th meeting, on 15 November, the representative of Saudi Arabia made a statement. Subsequently, Albania, Andorra, Austria, Croatia, Czechia, Denmark, Djibouti, Finland, Hungary, Iceland, Ireland, Italy, Liechtenstein, Malta, Monaco, Montenegro, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, San Marino, Slovakia, Spain and Sweden joined in sponsoring the draft resolution.

16. At the same meeting, a statement was made by the representative of the Syrian Arab Republic.

17. Also at the same meeting, the Secretary of the Committee made a statement, after which the Chair suspended the meeting. Following the resumption of the meeting, statements were made by the Secretary of the Committee and the representative of the Syrian Arab Republic.[4]

18. Also at the 48th meeting, the Committee adopted draft resolution A/C.3/71/L.24 by a recorded vote of 116 to 15, with 49 abstentions (see para. 34, draft resolution II). The voting was as follows:

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Barbados, Belgium, Belize, Benin, Botswana, Brazil, Bulgaria, Cabo Verde, Cameroon, Canada, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kiribati, Kuwait, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Montenegro,

[4] See A/C.3/71/SR.48.

Morocco, Nauru, Netherlands, New Zealand, Norway, Oman, Pakistan, Palau, Panama, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Somalia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Yemen.

Against:

Algeria, Belarus, Bolivia (Plurinational State of), Burundi, China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Iraq, Nicaragua, Russian Federation, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Zimbabwe.

Abstaining:

Angola, Armenia, Bangladesh, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Burkina Faso, Democratic Republic of the Congo, Ecuador, Ethiopia, Fiji, Ghana, Greece, Guinea, Guyana, India, Indonesia, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Mali, Mauritius, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Paraguay, Philippines, Rwanda, Saint Vincent and the Grenadines, Seychelles, Singapore, South Africa, South Sudan, Sudan, Suriname, Tajikistan, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Republic of Tanzania, Viet Nam, Zambia.

19. Before the vote, statements were made by the representatives of Slovakia (on behalf of the European Union), the United Kingdom of Great Britain and Northern Ireland, the United States of America, Turkey, Qatar, the Islamic Republic of Iran and the Democratic People's Republic of Korea; after the vote, statements were made by the representatives of the Islamic Republic of Iran, Cuba, Lebanon, Japan, Mexico and Paraguay.

C. Draft resolution A/C.3/71/L.25

20. At the 46th meeting, on 8 November, the representative of Canada, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, the Netherlands, Norway, Palau, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/71/L.25). Subsequently, the former Yugoslav Republic of Macedonia joined in sponsoring the draft resolution.

21. At the same meeting, a statement was made by the representative of the Islamic Republic of Iran.

22. At the 49th meeting, on 15 November, the representative of Canada made a statement and orally revised operative paragraphs 15 and 16 of the draft resolution.[5] Subsequently, Honduras and San Marino joined in sponsoring the draft resolution, as orally revised.

23. At the same meeting, a statement was made by the representative of the Islamic Republic of Iran.

24. Also at the 49th meeting, the Committee adopted draft resolution A/C.3/71/L.25, as orally revised, by a recorded vote of 85 to 35, with 63 abstentions (see para. 34, draft resolution III). The voting was as follows:

In favour:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Cabo Verde, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Gabon, Gambia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, Solomon Islands, South Sudan, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu, Yemen.

Against:

Afghanistan, Algeria, Armenia, Bangladesh, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, Burundi, Cambodia, China, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, India, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Kyrgyzstan, Lebanon, Nicaragua, Oman, Pakistan, Russian Federation, South Africa, Sudan, Syrian Arab Republic, Turkmenistan, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Benin, Bhutan, Brazil, Burkina Faso, Cameroon, Chad, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Niger, Nigeria, Papua New Guinea, Philippines, Qatar, Rwanda, Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Suriname, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Uruguay, Zambia.

[5] See A/C.3/71/SR.49.

25. Before the vote, statements were made by the representatives of Saudi Arabia, the Democratic People's Republic of Korea, the Syrian Arab Republic, Cuba and Pakistan; after the vote, statements were made by the representatives of Mexico, the Islamic Republic of Iran, the Russian Federation, Brazil, the Bolivarian Republic of Venezuela, Japan, Yemen, Myanmar, Chile, Belarus, Hungary, Singapore, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

D. Draft resolution A/C.3/71/L.26

26. At the 46th meeting, on 8 November, the representative of Ukraine, on behalf of Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Latvia, Lithuania, Luxembourg, the Netherlands, Palau, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)" (A/C.3/71/L.26). Subsequently, Albania, Ireland, Italy, Japan, Malta, Montenegro, Norway and the Republic of Moldova joined in sponsoring the draft resolution.

27. At the same meeting, a statement was made by the Secretary of the Committee.

28. Also at the 46th meeting, statements were made by the representatives of the Russian Federation and Ukraine.

29. At the 49th meeting, on 15 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution.

30. At the same meeting, a statement was made by the representative of Ukraine. Subsequently, Iceland, the Marshall Islands and New Zealand joined in sponsoring the draft resolution.

31. Also at the same meeting, a statement was made by the representative of the Russian Federation.

32. Also at the 49th meeting, the Committee adopted draft resolution A/C.3/71/L.26 by a recorded vote of 73 to 23, with 76 abstentions (see para. 34, draft resolution IV). The voting was as follows:

In favour:

Albania, Andorra, Antigua and Barbuda, Australia, Austria, Barbados, Belgium, Belize, Bhutan, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Qatar, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of

Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu, Yemen.

Against:

Angola, Armenia, Belarus, Bolivia (Plurinational State of), Burundi, Cambodia, China, Comoros, Cuba, Democratic People's Republic of Korea, Eritrea, India, Iran (Islamic Republic of), Kazakhstan, Nicaragua, Russian Federation, Serbia, South Africa, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Zimbabwe.

Abstaining:

Algeria, Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Cabo Verde, Cameroon, Chad, Chile, Colombia, Congo, Côte d'Ivoire, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guyana, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nauru, Nepal, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Rwanda, Saint Vincent and the Grenadines, Sao Tome and Principe, Seychelles, Singapore, South Sudan, Sri Lanka, Suriname, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Zambia.

33. Before the vote, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland, the United States of America, Azerbaijan, Georgia, the Syrian Arab Republic, Chile, the Democratic People's Republic of Korea, Belarus, the Bolivarian Republic of Venezuela and China; after the vote, statements were made by the representatives of Mexico, Brazil, Cyprus, Kyrgyzstan, Kazakhstan, Myanmar, Guatemala, Cuba, Greece, Switzerland (also on behalf of Liechtenstein), Argentina, Algeria, Armenia, Singapore, Pakistan and the Islamic Republic of Iran.

III. Recommendations of the Third Committee

34. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea, including Assembly resolution 70/172 of 17 December 2015 and Council resolution 31/18 of 23 March 2016,[1] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Deeply concerned at the grave human rights situation, the pervasive culture of impunity and the lack of accountability for human rights violations in the Democratic People's Republic of Korea,

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,[2] and expressing grave concern at the detailed findings contained therein,

Welcoming the decision of the Security Council to add the situation in the Democratic People's Republic of Korea to the list of issues of which the Council is seized and the holding of an open meeting of the Council on 10 December 2015, subsequent to the one held in 2014, during which the situation of human rights in the Democratic People's Republic of Korea was discussed,

Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and recalling also that the commission of inquiry urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators are prosecuted and brought to justice,

Taking note of the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea,[3] regretting that he still has not been allowed to visit the country and that he has received no cooperation from the authorities of the Democratic People's

[1] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.
[2] A/HRC/25/63.
[3] A/71/402.

Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution 70/172,[4]

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[5] the International Covenant on Economic, Social and Cultural Rights,[5] the Convention on the Rights of the Child[6] and the Convention on the Elimination of All Forms of Discrimination against Women,[7] and recalling the concluding observations of the treaty bodies under the four treaties and the importance of giving them consideration,

Noting the submission, in April 2016, by the Democratic People's Republic of Korea of its combined second, third and fourth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and of its combined fifth and sixth periodic reports on the implementation of the Convention on the Rights of the Child,

Noting with appreciation the signature of the Convention on the Rights of Persons with Disabilities[8] and the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography[9] by the Democratic People's Republic of Korea, encouraging the Government of the Democratic People's Republic of Korea to expedite the passage and enforcement of implementing legislation and the ratification of the Convention, and urging it to fully respect the rights of persons with disabilities and children,

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review[10] and its stated commitment to implement them and look into the possibility of implementing a further 58 recommendations, and emphasizing the importance of the implementation of the recommendations in order to address the grave human rights violations in the country,

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund to improve the nutritional status of children and the quality of children's education,

Noting the activities undertaken by the United Nations Development Programme, on a modest scale, in the Democratic People's Republic of Korea, and encouraging the engagement of the Government of the Democratic People's

[4] A/71/439.
[5] See resolution 2200 A (XXI), annex.
[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[7] Ibid., vol. 1249, No. 20378.
[8] Ibid., vol. 2515, No. 44910.
[9] Ibid., vol. 2171, No. 27531.
[10] A/HRC/27/10.

Republic of Korea with the international community to ensure that the programmes benefit the persons in need of assistance,

Noting also the cooperation between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations on food security assessments, underscoring the importance of those assessments in analysing changes in the national, household and individual food security and nutritional situation and thereby in supporting donor confidence in the targeting of aid programmes, noting further the letter of understanding signed by the Government and the World Food Programme and the importance of further improvements in operating conditions, bringing access and monitoring arrangements closer to international standards for all United Nations entities, and noting with appreciation the work of international aid operators,

Taking note of the United Nations report entitled "Democratic People's Republic of Korea 2016: needs and priorities" and its call to address the critical humanitarian needs in the Democratic People's Republic of Korea,

Expressing grave concern about the impact of diverting resources to advance nuclear weapons and ballistic missiles programmes on the humanitarian and human rights situation of the citizens of the Democratic People's Republic of Korea,

Noting the importance of the immediate return of all international abductees, expressing grave concern at the lack of positive action by the Democratic People's Republic of Korea since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations between the Democratic People's Republic of Korea and Japan in May 2014, and expecting the resolution of all issues related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

Welcoming and further encouraging the efforts of Member States to raise international awareness about the human rights situation in the Democratic People's Republic of Korea,

Noting the importance of dialogue for the improvement of the human rights and humanitarian situation in the country,

Underlining the efforts of the Secretary-General to contribute to improving inter-Korean relations and promoting reconciliation and stability on the Korean Peninsula and the well-being of the Korean people,

Welcoming the resumption of the reunions of separated families across the border in October 2015, and, given that this is an urgent humanitarian concern of the entire Korean people, owing, in particular, to the advanced age of many members of the separated families, hoping that necessary arrangements for confirming the fate of family members, exchanging letters, visiting their hometowns and holding further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

1. *Condemns* the long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People's Republic of Korea,

including those which the commission of inquiry on human rights in the Democratic People's Republic of Korea, established by the Human Rights Council in its resolution 22/13 of 21 March 2013,[11] has said may amount to crimes against humanity, and the continuing impunity for such violations;

2. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of violations of human rights, including the detailed findings made by the commission of inquiry in its report,[2] such as:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention; rape; public executions; extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; extrajudicial, summary and arbitrary executions; the imposition of the death penalty for political and religious reasons; collective punishments extending up to three generations; and the extensive use of forced labour;

(ii) The existence of an extensive system of political prison camps, where a vast number of persons are deprived of their liberty and subjected to deplorable conditions, including forced labour, and where alarming violations of human rights are perpetrated;

(iii) The forcible transfer of populations and the limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iv) The situation of refugees and asylum seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, other cruel, inhuman or degrading treatment, sexual violence or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[12] and the 1967 Protocol thereto[13] in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(v) All-pervasive and severe restrictions, both online and offline, on the freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the unlawful and arbitrary surveillance,

[11] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

[12] United Nations, *Treaty Series*, vol. 189, No. 2545.

[13] Ibid., vol. 606, No. 8791.

persecution, torture, imprisonment and, in some instances, summary executions of individuals exercising their freedom of opinion and expression, religion or belief, and their families, and the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(vi) Violations of economic, social and cultural rights, which have led to severe hunger, malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for women, children, persons with disabilities and the elderly;

(vii) Violations of the human rights and fundamental freedoms of women, in particular the creation of internal conditions that force women to leave the country and make them extremely vulnerable to trafficking in persons for the purpose of prostitution, domestic servitude or forced marriage and the subjection of women to gender-based discrimination, including in the political and social spheres, forced abortions and other forms of sexual and gender-based violence;

(viii) Violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(ix) Violations of the human rights and fundamental freedoms of persons with disabilities, especially violations involving the use of collective camps and coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and allegations of the possible use of persons with disabilities in medical testing, forced relocation to rural areas and separation of children with disabilities from their parents;

(x) Violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[5] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child,[6] as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour;

(xi) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion;

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to extend an invitation to the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's

Republic of Korea or to extend cooperation to the Special Rapporteur and other United Nations special procedures in accordance with their terms of reference, as well as to other United Nations human rights mechanisms;

(c) The continued lack of acknowledgement by the Government of the Democratic People's Republic of Korea of the grave human rights situation in the country and its consequential lack of action to implement the recommendations contained in the outcome of its first universal periodic review[14] and to give consideration to the concluding observations of the treaty bodies;

3. *Underscores its very serious concern* at the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these issues of international concern, in a transparent manner, including by ensuring the immediate return of abductees;

4. *Expresses its very deep concern* at the precarious humanitarian situation in the country, which could rapidly deteriorate owing to limited resilience to natural disasters and to government policies causing limitations in the availability of and access to adequate food, compounded by structural weaknesses in agricultural production resulting in significant shortages of diversified food and the State restrictions on the cultivation of and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among the most vulnerable groups, pregnant and lactating women, children, persons with disabilities, the elderly and political prisoners, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating where necessary with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

5. *Welcomes* the appointment of the new Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, commends the activities undertaken by the former Special Rapporteur, despite the denial of access to the Democratic People's Republic of Korea, and in this regard welcomes the final report submitted to the Human Rights Council by the former Special Rapporteur, pursuant to Council resolution 28/22 of 27 March 2015,[15] in which he called on the international community to take steps to promote accountability;[16]

6. *Reiterates its appreciation* for the work of the commission of inquiry, recognizes the continuing importance of its report, and regrets that the commission received no cooperation from the authorities of the Democratic People's Republic of Korea, including with regard to access to the country;

7. *Acknowledges* the commission's finding that the body of testimony gathered and the information received provide reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic

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[14] A/HRC/13/13.

[15] See *Official Records of the General Assembly, Seventieth Session, Supplement No. 53* (A/70/53), chap. III, sect. A.

[16] A/HRC/31/70 and Corr.1.

of Korea, pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership;

8. *Expresses its concern* at the failure of the authorities of the Democratic People's Republic of Korea to prosecute those responsible for human rights violations, including violations which the commission of inquiry has said may amount to crimes against humanity, and encourages the international community to cooperate with accountability efforts and to ensure that such crimes do not remain unpunished;

9. *Encourages* the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity;

10. *Also encourages* the Security Council to continue to discuss the situation in the Democratic People's Republic of Korea, including the country's human rights record, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter;

11. *Encourages* the continuing endeavours of the Office of the United Nations High Commissioner for Human Rights field-based structure in Seoul, and welcomes its regular reporting to the Human Rights Council;

12. *Calls upon* Member States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, has sufficient resources and support to fulfil its mandate, enjoys full cooperation with relevant Member States and is not subjected to any reprisals or threats;

13. *Welcomes* the establishment of the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea, as set out by the Human Rights Council in its resolution 31/18;[1]

14. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Council in the context of the universal periodic review and by the commission of inquiry, the United Nations special procedures and treaty bodies;

(b) To immediately close the political prison camps and to release all political prisoners unconditionally and without any delay;

(c) To protect its inhabitants, address the issue of impunity and ensure that those responsible for crimes involving violations of human rights are brought to justice before an independent judiciary;

(d) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees through migrant smuggling, trafficking in human beings and extortion, while not criminalizing the victims of trafficking;

(e) To ensure that citizens of the Democratic People's Republic of Korea who are expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of punishment, and to provide information on their status and treatment;

(f) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other special procedures of the Human Rights Council as well as to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(g) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and his Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country;

(h) To implement the accepted recommendations stemming from the universal periodic review and to consider positively those recommendations which are still under consideration, as well as the preparation of a midterm implementation report;

(i) To become a member of the International Labour Organization, to enact legislation and adopt practices to comply with international labour standards and consider ratifying all the relevant conventions;

(j) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(k) To ensure full, safe and unhindered access to humanitarian aid, as well as to critical data, and take measures to allow humanitarian agencies to secure the impartial delivery of such aid to all parts of the country, including detention facilities, on the basis of need in accordance with humanitarian principles, as it pledged to do, to ensure access to adequate food and implement more effective food security and nutrition policies, including through sustainable agriculture, sound food production and distribution measures and the allocation of more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(l) To further improve cooperation with the United Nations country team and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including progress towards the achievement of the Sustainable Development Goals;

(m) To consider ratifying and acceding to the remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies, to resume reporting to monitoring bodies on treaties to which it is a party, to participate meaningfully in treaty body reviews, and to give consideration to the

concluding observations of such bodies in order to improve the human rights situation in the country;

15. *Urges* the Government of the Democratic People's Republic of Korea to implement the recommendations of the commission of inquiry without delay;

16. *Encourages* all Member States, the General Assembly, the Human Rights Council, the Office of the High Commissioner, the United Nations Secretariat, relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to implement or take forward those recommendations;

17. *Encourages* the United Nations system as a whole to continue to address the grave human rights situation in the Democratic People's Republic of Korea in a coordinated and unified manner;

18. *Encourages* the relevant United Nations programmes, funds, specialized agencies and other related organizations to assist the Government of the Democratic People's Republic of Korea in the implementation of recommendations stemming from the universal periodic review and from the report of the commission of inquiry;

19. *Calls upon* the Democratic People's Republic of Korea to continue to engage constructively with international interlocutors with a view to promoting concrete improvements in the human rights situation on the ground, including through human rights dialogues, official visits to the country that include adequate access to fully assess human rights conditions, cooperation initiatives and more people-to-people contact as a matter of priority;

20. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its seventy-second session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea, and requests the Special Rapporteur to continue to report his findings and recommendations, as well as to report on the follow-up to the implementation of the recommendations of the commission of inquiry.

Draft resolution II
Situation of human rights in the Syrian Arab Republic

The General Assembly,

Guided by the Charter of the United Nations,

Reaffirming the purposes and principles of the Charter, the Universal Declaration of Human Rights[1] and relevant international human rights treaties, including the International Covenants on Human Rights,[2]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,

Recalling its resolutions 66/176 of 19 December 2011, 66/253 A of 16 February 2012, 66/253 B of 3 August 2012, 67/183 of 20 December 2012, 67/262 of 15 May 2013, 68/182 of 18 December 2013, 69/189 of 18 December 2014 and 70/234 of 23 December 2015, Human Rights Council resolutions S-16/1 of 29 April 2011,[3] S-17/1 of 23 August 2011,[3] S-18/1 of 2 December 2011,[4] 19/1 of 1 March 2012,[5] 19/22 of 23 March 2012,[5] S-19/1 of 1 June 2012,[6] 20/22 of 6 July 2012,[7] 21/26 of 28 September 2012,[8] 22/24 of 22 March 2013,[9] 23/1 of 29 May 2013,[10] 23/26 of 14 June 2013,[10] 24/22 of 27 September 2013,[11] 25/23 of 28 March 2014,[12] 26/23 of 27 June 2014,[13] 27/16 of 25 September 2014,[14] 28/20 of 27 March 2015,[15] 29/16 of 2 July 2015,[16] 30/10 of 1 October 2015, 31/17 of 21 March 2016,[17] 32/25 of 1 July 2016[18] and 33/23 of 6 October 2016, and S-25/1 of 21 October 2016 and Security Council resolutions 2042 (2012) of 14 April 2012, 2043 (2012) of 21 April 2012, 2118 (2013) of 27 September 2013, 2139 (2014) of 22 February 2014, 2165 (2014) of 14 July 2014, 2170 (2014) of 15 August 2014, 2178 (2014) of 24 September 2014, 2191 (2014) of 17 December 2014, 2209 (2015) of 6 March 2015, 2235 (2015) of 7 August 2015, 2258 (2015) of 22 December 2015, 2268 (2016) of 26 February 2016 and 2286 (2016) of 3 May 2016, and the statements by the

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.
[4] Ibid., *Supplement No. 53B* and corrigendum (A/66/53/Add.2 and Corr.1), chap. II.
[5] Ibid., *Sixty-seventh session, Supplement No. 53* and corrigendum (A/67/53 and corr.1), chap. III, sect. A.
[6] Ibid., chap. V.
[7] Ibid., chap. IV, sect. A.
[8] Ibid., *Supplement No. 53A* (A/67/53/Add.1), chap. III.
[9] Ibid., *Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.
[10] Ibid., chap. V, sect. A.
[11] Ibid., *Supplement No. 53A* (A/68/53/Add.1), chap. III.
[12] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. IV, sect. A.
[13] Ibid., chap. V, sect. A.
[14] Ibid., *Supplement No. 53A* and corrigenda (A/69/53/Add.1 and Corr.1 and 2), chap. IV, sect. A.
[15] Ibid., *Seventieth Session, Supplement No. 53* (A/70/53), chap. II.
[16] Ibid., chap. V, sect. A.
[17] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.
[18] Ibid., chap. IV, sect. A.

President of the Council of 3 August 2011,[19] 2 October 2013[20] and 17 August 2015,[21]

Condemning the grave deterioration of the human rights situation and the indiscriminate killing and deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Noting with deep concern the culture of impunity for serious violations of international humanitarian law and violations and abuses of human rights law committed during the present conflict, which has provided a fertile ground for further violations and abuses,

Recalling that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and extremist groups, including so-called Islamic State in Iraq and the Levant ISIL-Da'esh,

Expressing outrage at the continuing escalation of violence in the Syrian Arab Republic, which has caused more than 400,000 fatalities, including the killing of many more than 15,000 children, and in particular at the continued widespread and systematic gross violations, as well as abuses, of human rights and violations of international humanitarian law, including those involving the continued indiscriminate use of heavy weapons and aerial bombardments, such as the indiscriminate use of ballistic missiles, bunker-busting bombs, cluster munitions and barrel and vacuum bombs, and by the starvation of civilians as a method of warfare and the use of chlorine gas, which are prohibited under international humanitarian law, by the Syrian authorities against the Syrian population,

Expressing outrage and grave concern at the escalation in violence in eastern Aleppo as a result of the recent offensive by the Syrian authorities and their allies, which has caused hundreds of civilian casualties, including rescue workers, first responders, women and more than 100 children and nearly 2,000 injured and has included repeated attacks against medical facilities, medical personnel and patients and on critical civilian infrastructure,

Recalling the specific obligations under international humanitarian law to respect and protect, in situations of armed conflict, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, and hospitals and other medical facilities, and to ensure that the wounded and sick receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required, and also recalling that, under international law, attacks intentionally directed against hospitals and places where the sick and wounded are collected, provided that they are not military objectives, as well as attacks intentionally directed against buildings, material, medical units

[19] S/PRST/2011/16; see *Resolutions and Decisions of the Security Council, 1 August 2011-31 July 2012* (S/INF/67).

[20] S/PRST/2013/15; see *Resolutions and Decisions of the Security Council, 1 August 2013-31 July 2014* (S/INF/69).

[21] S/PRST/2015/15.

and transport and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law are war crimes,

Expressing grave concern at the disproportionate use of force by the Syrian authorities against civilians, which has caused immense human suffering and fomented the spread of extremism and extremist groups and which demonstrates the failure of the Syrian authorities to protect its population and to implement the relevant resolutions and decisions of United Nations bodies,

Expressing grave concern also at the spread of extremism and extremist groups, terrorism and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular so-called ISIL-Da'esh, Al-Nusrah Front and militias fighting on behalf of the regime, Al-Qaida-affiliated terrorist groups and other extremist groups,

Expressing its deepest concern about the findings of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism that the Syrian Arab Armed Forces were responsible for the use of chemical weapons in at least three attacks and so-called ISIL-Da'esh was responsible for one attack, reaffirming the principles of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,[22] and the determination of the States parties to the Convention "for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention", and noting that the Convention entered into force in the Syrian Arab Republic on 14 October 2013,

Expressing support for the work carried out by the Independent International Commission of Inquiry on the Syrian Arab Republic, and strongly condemning the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Noting with serious concern the observation of the Commission of Inquiry that, since March 2011, the Syrian authorities have conducted widespread attacks against the civilian population as a matter of policy,

Strongly condemning the widespread practice of enforced disappearance, arbitrary detention and the use of sexual and gender-based violence and torture in detention centres referred to in the reports of the Commission of Inquiry, including, but not limited to, Branch 215, Branch 227, Branch 235, Branch 251, Air Force Intelligence Investigation Branch at Mezzeh military airport, and Sednaya prison, as well as military hospitals, including Tishreen and Harasta hospitals,

Recalling the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, noting the repeated encouragement by the High Commissioner for the Security Council to refer the situation to the

[22] United Nations, *Treaty Series*, vol. 1974, No. 33757.

International Criminal Court, and regretting that a draft resolution[23] was not adopted notwithstanding broad support from Member States,

Expressing its deepest concern about the findings of the Commission of Inquiry and also the allegations contained in the evidence presented by "Caesar" in January 2014 regarding the torture and execution of persons incarcerated by the Syrian authorities, and underscoring the need for those allegations and similar evidence to be collected, examined and made available for future accountability efforts,

Expressing concern that the implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2254 (2015) of 18 December 2015, 2258 (2015), 2268 (2016) and 2286 (2016) remains largely unfulfilled, and noting the urgent need to strengthen efforts to address the humanitarian situation in the Syrian Arab Republic, including through protection of civilians and rapid, unimpeded and sustained humanitarian access,

Recalling its commitment to Security Council resolutions 2170 (2014), 2178 (2014) and 2253 (2015),

Alarmed that more than 4.8 million refugees, including more than 3.6 million women and children, have been forced to flee the Syrian Arab Republic and that 13.5 million people in the Syrian Arab Republic, of whom 6.1 million are internally displaced, require urgent humanitarian assistance, which has resulted in an influx of Syrian refugees into neighbouring countries, other countries in the region and beyond, and alarmed at the risk the situation presents to regional and international stability,

Expressing its profound indignation at the death of many more than 15,000 children and the many more injured since the beginning of the peaceful protests in March 2011, and at all grave violations and abuses committed against children in contravention of applicable international law, such as their recruitment and use, killing and maiming, rape, kidnapping and abductions and attacks on schools and hospitals, as well as their arbitrary arrest, detention, torture, ill-treatment and their use as human shields,

Expressing its deep appreciation for the significant efforts that have been made by neighbouring countries and other countries in the region to accommodate Syrians, while acknowledging the increasing financial, socioeconomic and political impact of the presence of large-scale refugee and displaced populations in those countries, notably in Lebanon, Jordan, Turkey, Iraq, Egypt and Libya,

Welcoming the hosting by the Government of Kuwait of the First, Second and Third International Humanitarian Pledging Conferences for Syria, held on 30 January 2013, 15 January 2014 and 31 March 2015, and expressing its deep appreciation for the significant pledges of humanitarian assistance that have been made, also welcoming the initiative of the United Kingdom of Great Britain and Northern Ireland, Germany, Norway, Kuwait and the United Nations, which co-hosted the London conference on supporting the Syrian Arab Republic and the region on 4 February 2016, and renewing its call upon all members of the

[23] S/2014/348.

international community to respond expeditiously to the Syrian humanitarian appeals and to disburse all previous pledges,

Welcoming also the efforts of the United Nations and the League of Arab States and all diplomatic efforts to achieve a political solution to the Syrian crisis based on the final communiqué of the Action Group for Syria of 30 June 2012,[24] and consistent with Security Council resolution 2254 (2015),

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria, with a view to protection of the civilian population and the full implementation of the Syrian political process that establishes credible, inclusive and non-sectarian governance, in accordance with the final communiqué[24] and consistent with Security Council resolutions 2254 (2015) and 2258 (2015), urging the Special Envoy to pave the way for the negotiation of a genuine political transition, demanding a restoration of the cessation of hostilities and that all parties to the cessation of hostilities in the Syrian Arab Republic respect their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence to ensure respect for those commitments and the full implementation of those resolutions, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic, and to bring to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

1. *Strongly condemns* the recent escalation of attacks directed against civilians in Aleppo and other besieged and hard-to-reach areas, and demands that the humanitarian provisions of Security Council resolutions 2254 (2015), 2258 (2015) and 2286 (2016) be immediately implemented and that humanitarian aid be safely delivered to all people in need;

2. *Also strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed, in particular all indiscriminate and disproportionate attacks, including the use of barrel bombs in civilian areas and against civilian infrastructure, and demands that all parties immediately demilitarize medical facilities and schools and comply with their obligations under international law;

3. *Deplores and condemns in the strongest terms* the continued armed violence by the Syrian authorities against its own people since the beginning of the peaceful protests in 2011, and demands that the Syrian authorities immediately put an end to all indiscriminate attacks, including those involving the use of terror tactics, air strikes, barrel and vacuum bombs, incendiary weapons, chemical weapons and heavy artillery;

4. *Strongly condemns* any use of any toxic chemicals, such as chlorine, by any party as a weapon in the Syrian Arab Republic;

5. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other

[24] A/66/865-S/2012/522, annex.

States or non-State actors and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable, and calls for a significant enhancement of the verification measures of the Organization for the Prohibition of Chemical Weapons;

6. *Welcomes* the reports of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism of 24 August 2016[25] and 21 October 2016,[26] and notes with deep concern its findings that the Syrian Arab Armed Forces were responsible for the use of chemical weapons in at least three attacks in the Syrian Arab Republic (Talmenes in 2014, Sarmin in 2015 and Qmenas in 2015) and that so-called ISIL-Da'esh was responsible for one mustard gas attack in the Syrian Arab Republic (Marea in 2015);

7. *Demands* that the Syrian regime and so-called ISIL-Da'esh immediately cease the use of chemical weapons, and also demands that the Syrian regime adhere fully to its international obligations, including the requirement that it declare in full its chemical weapons programme, with special emphasis on the need for the Syrian Arab Republic to urgently resolve the verified gaps, inconsistencies and discrepancies pertaining to its declaration in respect of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction[22] and to eliminate its chemical weapons programme in its entirety as referred to in the report of the Director General of the Organization for the Prohibition of Chemical Weapons, dated 22 February 2016[27] indicating that the Secretariat is at present unable to verify fully that the declaration and related submissions of the Syrian Arab Republic are accurate and complete, as required by the Convention and decision EC-M-33/DEC.1 of the Executive Council of the Organization for the Prohibition of Chemical Weapons;

8. *Requests* additional procedures for stringent verification pursuant to paragraph 8, article IV, and paragraph 10, article V, of the Convention, in order to ensure the complete destruction of the Syrian chemical weapons programme and prevent any further use of chemical weapons;

9. *Deplores and condemns in the strongest terms* the continued widespread and systematic gross violations of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian authorities, the Government-affiliated *shabbiha* militias and those who fight on their behalf, including those deliberately targeting civilians or civilian objects, including attacks on schools, hospitals and places of worship, with heavy weapons, aerial bombardments, cluster munitions, ballistic missiles, barrel bombs, chemical or other weapons and other force against civilians, as well as the starvation of the civilian population as a method of warfare, attacks on schools, hospitals and places of worship, massacres, arbitrary executions, extrajudicial killings, the killing and persecution of peaceful protestors, human rights defenders and journalists, individuals and members of communities on the basis of their religion or belief, arbitrary detention, enforced disappearances, violations of women's and children's

[25] S/2016/738/Rev.1.
[26] S/2016/888.
[27] EC-8/HP/DG.1.

rights, forced displacement of members of minority groups, unlawful interference with access to medical treatment, failure to respect and protect medical personnel, torture, systematic sexual and gender-based violence, including rape in detention, and ill-treatment;

10. *Calls for* a restoration of the cessation of hostilities in the Syrian Arab Republic, demands that all the parties, most notably the Syrian regime, stop their attacks against civilians, including in populated areas, and that all parties to the cessation of hostilities in the Syrian Arab Republic redouble their efforts to fulfil their commitments, consistent with Security Council resolution 2268 (2016), and urges all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure immediate implementation of a monitored and enforceable cessation of hostilities, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic, and to bring to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law;

11. *Strongly condemns* all human rights abuses or violations of international humanitarian law, including the killing and persecution of individuals and members of communities on the basis of their religion or belief, by armed extremists, as well as any human rights abuses or violations of international humanitarian law by armed anti-Government groups;

12. *Deplores and strongly condemns* the terrorist acts and violence committed against civilians by so-called ISIL-Da'esh and Al-Nusrah Front and their continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law, and reaffirms that terrorism, including the actions of so-called ISIL-Da'esh, cannot and should not be associated with any religion, nationality or civilization;

13. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by so-called ISIL-Da'esh, in particular the enslavement and sexual abuse of women and girls and the forced recruitment, use and abduction of children;

14. *Condemns* the reported forced displacements of the population in the Syrian Arab Republic and the alarming impact thereof on the demography of the country, and calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to crimes against humanity;

15. *Reminds* the Government of the Syrian Arab Republic of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[28] including to take effective measures to prevent acts of torture in any territory under its jurisdiction, and calls upon all States parties to the Convention to comply with any relevant obligations under the Convention, including with respect to the extradite or prosecute principle contained in article 7 of the Convention;

[28] United Nations, *Treaty Series*, vol. 1465, No. 24841.

16. *Strongly condemns* the reported persistent and widespread use of sexual violence, abuse and exploitation, including in government detention centres, including those run by the intelligence agencies, and notes that such acts may constitute violations of international humanitarian law and violations and abuses of international human rights law, and in this regard expresses deep concern at the prevailing climate of impunity for sexual violence crimes;

17. *Also strongly condemns* all violations and abuses committed against children in contravention of applicable international law, such as their recruitment and use, killing and maiming, rape and all other forms of sexual violence, abductions and denial of humanitarian access for children, attacks on civilian objects, including schools and hospitals, as well as their arbitrary arrest, unlawful detention, torture and ill treatment and their use as human shields;

18. *Recalls* the statement made by the Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic on 21 September 2015 that the Syrian authorities remain responsible for the majority of the civilian casualties, killing and maiming scores of civilians daily, reiterates its decision to transmit the reports of the Commission of Inquiry to the Security Council, expresses its appreciation to the Commission of Inquiry for its briefings to members of the Security Council, and requests that the Commission of Inquiry continue to brief the General Assembly and members of the Security Council;

19. *Reaffirms* the Syrian authorities' responsibility for enforced disappearances, takes note of the assessment of the Commission of Inquiry that the Syrian authorities' use of enforced disappearances amounts to a crime against humanity, and condemns the targeted disappearances of young men, following Government-brokered ceasefires;

20. *Expresses its profound concern* about the findings of the report of the Commission of Inquiry regarding the tragic and relentless level of indiscriminate attacks on civilians in the Syrian Arab Republic, targeted attacks on protected persons and objects, including medical facilities, personnel and transport and blocked humanitarian convoys, as well as enforced disappearances, summary executions and other violations and abuses;

21. *Deplores* the horrific attack on 19 September 2016 on a United Nations-Syrian Arab Red Crescent aid convoy in rural Aleppo, which was in clear violation of international humanitarian law, welcomes the decision of the United Nations to investigate this attack, calls for the perpetrators to be held accountable, and in this regard welcomes the establishment of an internal and independent United Nations Headquarters Board of Inquiry into the incident, and reaffirms that humanitarian workers and their means of transport, equipment and facilities must be protected in accordance with international humanitarian law;

22. *Demands* that the Syrian authorities cooperate fully with the Commission of Inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

23. *Also demands* that the Syrian authorities meet their responsibilities to protect the Syrian population;

24. *Strongly condemns* the intervention in the Syrian Arab Republic of all foreign terrorist fighters and those foreign organizations and foreign forces fighting on behalf of the Syrian regime, particularly the Al-Quds Brigades, the Iranian Revolutionary Guard Corps and militia groups such as Hizbullah, Asa'ib Ahl al-Haq and Liwa' Abu al-Fadl al-Abbas, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

25. *Also strongly condemns* all attacks against the Syrian moderate opposition and calls for their immediate cessation, given that such attacks benefit so-called ISIL-Da'esh and other terrorist groups, such as Al-Nusrah Front, and contribute to a further deterioration of the humanitarian situation;

26. *Demands* that all foreign terrorist fighters, including those who are fighting in support of the Syrian authorities, immediately withdraw from the Syrian Arab Republic;

27. *Also demands* that all parties immediately put an end to all violations and abuses of international human rights law and violations of international humanitarian law, recalls, in particular, the obligation under international humanitarian law to distinguish between civilians and combatants and the prohibition against indiscriminate and disproportionate attacks and all attacks against civilians and civilian objects, further demands that all parties to the conflict take all appropriate steps to protect civilians, in compliance with international law, including by desisting from attacks directed against civilian objects, such as medical centres, schools and water stations, immediately demilitarize such facilities, seek to avoid establishing military positions in densely populated areas and enable the evacuation of the wounded and all civilians who wish to leave besieged areas, and recalls in this regard that the Syrian authorities bear primary responsibility for protecting its population;

28. *Condemns in the strongest terms* the increasing number of massacres and other mass casualty incidents, including those which may constitute a war crime, taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

29. *Recalls* the statements made by the Special Envoy of the Secretary-General for Syria, Staffan de Mistura, indicating that the overwhelming majority of the civilian casualties in the Syrian Arab Republic have been caused by the indiscriminate use of aerial bombardments, demands in this regard that the Syrian authorities immediately cease any attacks on civilians, any disproportionate attacks and any indiscriminate use of weapons in populated areas, including any indiscriminate use of weapons involving shelling and aerial bombardment, in particular the use of barrel bombs and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering, and recalls in this regard the obligation to respect international humanitarian law in all circumstances;

30. *Emphasizes* the need for accountability for crimes involving breaches of international law, in particular of international humanitarian law and human rights law, some of which may constitute war crimes or crimes against humanity,

committed in the Syrian Arab Republic since March 2011, through fair and independent investigations and prosecutions at the domestic or international level;

31. *Welcomes* the efforts by States to investigate conduct in the Syrian Arab Republic and to prosecute crimes within their jurisdiction committed in the Syrian Arab Republic, and encourages them to continue doing so and to share relevant information between States in accordance with their national legislation and international law, and encourages other States to consider doing the same;

32. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to assume its responsibility for providing urgent financial support to enable the host countries and communities to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

33. *Calls upon* all members of the international community, including all donors, to fulfil their previous pledges and continue to provide much-needed support to the United Nations, its specialized agencies and other humanitarian actors to provide humanitarian assistance to the millions of Syrians displaced both internally and in host countries and communities;

34. *Strongly condemns* the intentional denial of humanitarian assistance to civilians, from whatever quarter, and in particular the denial of medical assistance and the withdrawal of water and sanitation services to civilian areas, which has recently worsened, stressing that the starvation of civilians as a method of warfare is prohibited under international law, noting especially the primary responsibility of the Government of the Syrian Arab Republic in this regard, and deplores the deteriorating humanitarian situation;

35. *Demands* that the Syrian authorities and all other parties to the conflict not hinder the full, immediate, unimpeded and sustained access of the United Nations and humanitarian actors, including to besieged and hard-to-reach areas, consistent with Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2254 (2015) and 2258 (2015);

36. *Strongly condemns* practices including abduction, hostage-taking, incommunicado detention, torture, the brutal murder of innocent civilians and summary executions carried out by non-State armed groups and terrorist groups, most notably so-called ISIL-Da'esh and Al-Nusrah Front, and underlines that such acts may amount to crimes against humanity;

37. *Deplores* the suffering and torture in detention centres throughout the Syrian Arab Republic, as depicted in the reports of the Commission of Inquiry and the Office of the United Nations High Commissioner for Human Rights, as well as in the evidence presented by "Caesar" in January 2014, demands that the Syrian authorities immediately release all persons arbitrarily detained and ensure that detention conditions are consistent with international law, and calls upon the Syrian authorities to publish a list of all detention facilities;

38. *Demands* that the Syrian authorities halt the arbitrary detention of individuals and release all those unlawfully detained, and that so-called ISIL-Da'esh, Al-Nusrah Front and all other groups release all those detained;

39. *Calls for* the appropriate international monitoring bodies to be granted access to detainees in government prisons and detention centres, including all military facilities referred to in the reports of the Commission of Inquiry;

40. *Demands* that all parties take all appropriate steps to protect civilians and persons hors de combat, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect its population lies with the Syrian authorities;

41. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, bearing in mind the widespread destruction recently brought about by air bombings in Aleppo, a World Heritage Site of the United Nations Educational, Scientific and Cultural Organization, as well as the organized looting and trafficking of its cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

42. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate fair and independent domestic or international, criminal justice mechanisms in accordance with the principle of complementarity, and stresses the need to pursue practical steps towards this goal, and for this reason encourages the Security Council to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard;

43. *Welcomes* the efforts of those countries outside the region that have put in place measures and policies to assist and host Syrian refugees, encourages them to do more, and encourages other States outside the region to consider also implementing similar measures and policies, with a view to providing Syrian refugees with protection and humanitarian assistance;

44. *Urges* all parties to the conflict to take all appropriate steps to ensure the safety and security of United Nations and associated personnel, personnel of the specialized agencies and all other personnel engaged in humanitarian relief activities as required by international humanitarian law, without prejudice to their freedom of movement and access, stresses the need not to impede or hinder these efforts, recalls that attacks on humanitarian workers may amount to war crimes, and notes in this regard that the Security Council reaffirmed in its resolution 2191 (2014) that it will take further measures in the event of non-compliance with resolutions 2139 (2014), 2165 (2014), 2191 (2014) or 2258 (2015) by any Syrian party;

45. *Calls upon* the international community to support the leadership and full participation of women in all efforts aimed at finding a political solution to the Syrian crisis, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013 and 2242 (2015) of 13 October 2015;

46. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the

final communiqué of the Action Group for Syria of 30 June 2012,[24] consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, with the full and effective participation of women, where there is no room for sectarianism or discrimination on ethnic, religious, linguistic, gender or any other grounds, and where all citizens receive equal protection, regardless of gender, religion or ethnicity, and further demands that all parties work urgently towards the comprehensive implementation of the final communiqué,[24] including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions.

Draft resolution III
Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 70/173 of 17 December 2015,

1. *Takes note* of the report of the Secretary-General of 6 September 2016,[3] submitted pursuant to resolution 70/173, and the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Islamic Republic of Iran of 30 September 2016,[4] submitted pursuant to Council resolution 31/19 of 23 March 2016;[5]

2. *Continues to welcome* the pledges made by the President of the Islamic Republic of Iran with regard to some important human rights issues, particularly on eliminating discrimination against women and members of ethnic minorities and on greater space for freedom of expression and opinion;

3. *Acknowledges* legislative and administrative changes in the Islamic Republic of Iran, which, if properly implemented, would address some human rights concerns, including portions of the new Code of Criminal Procedure;

4. *Welcomes* the engagement of the Islamic Republic of Iran with human rights treaty bodies, including through the submission of periodic reports, and notes in particular the engagement of the Government of the Islamic Republic of Iran with the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities and its participation in the universal periodic review;

5. *Also welcomes* the efforts of the Islamic Republic of Iran to host large numbers of Afghan refugees, granting them access to basic services, in particular access to health care and education for children;

6. *Further welcomes* the decision of the Government of the Islamic Republic of Iran to postpone the annual civil service entry exam because of concerns that it discriminates against women;

7. *Welcomes* the increasing contact with and dialogue between the Islamic Republic of Iran and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the invitations extended to other special procedures mandate holders;

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/71/374.
[4] A/71/418.
[5] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.

8. *Also welcomes* the recently expressed readiness of the Iranian High Council for Human Rights and other Iranian officials to engage in bilateral dialogues on human rights;

9. *Expresses serious concern* at the alarmingly high frequency of the imposition and carrying-out of the death penalty by the Islamic Republic of Iran, in violation of its international obligations, including executions undertaken for crimes that do not qualify as the most serious crimes, on the basis of forced confessions or against minors and persons who at the time of their offence were under the age of 18, in violation of both the Convention on the Rights of the Child[6] and the International Covenant on Civil and Political Rights,[2] expresses concern at the continuing disregard for internationally recognized safeguards, including executions undertaken without notification to the prisoner's family members or legal counsel, and calls upon the Government of the Islamic Republic of Iran to abolish, in law and in practice, public executions, which are contrary to the 2008 directive seeking to end this practice issued by the former head of the judiciary;

10. *Calls upon* the Islamic Republic of Iran to ensure, in law and in practice, that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, which may include sexual violence, and punishments that are grossly disproportionate to the nature of the offence, in conformity with amendments to the Penal Code, the constitutional guarantees of the Islamic Republic of Iran and international obligations;

11. *Urges* the Islamic Republic of Iran to cease enforced disappearances and the widespread and systematic use of arbitrary detention, and to uphold, in law and in practice, procedural guarantees to ensure fair trial standards, including timely access to legal representation of one's choice from the time of arrest through all stages of trial and all appeals, the right not to be subjected to torture, cruel and inhuman or degrading treatment or punishment and consideration of bail and other reasonable terms for release from custody pending trial;

12. *Calls upon* the Islamic Republic of Iran to address the poor conditions of prisons, to eliminate the denial of access to adequate medical treatment and the consequent risk of death faced by prisoners and to put an end to the continued and sustained house arrest of leading opposition figures from the 2009 presidential elections despite serious concerns about their health, as well as the pressure exerted upon their relatives and dependants, including through arrest;

13. *Also calls upon* the Islamic Republic of Iran, including the judicial and security branches, to create and maintain, in law and in practice, a safe and enabling environment in which an independent, diverse and pluralistic civil society can operate free from hindrance and insecurity, urges the Islamic Republic of Iran to end widespread and serious restrictions, in law and in practice, on the right to freedom of expression, opinion, association and peaceful assembly, both online and offline, including by ending the harassment, intimidation and persecution of political opponents, human rights defenders, women's and minority rights activists, labour leaders, students' rights activists, academics, film-makers, journalists, bloggers, social media users, media workers, religious leaders, artists, lawyers and persons

[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.

belonging to recognized and unrecognized religious minorities and their families, and further calls upon the Islamic Republic of Iran to release persons arbitrarily detained for the legitimate exercise of these rights, to consider rescinding unduly harsh sentences, including the death penalty and long-term internal exile, for exercising such fundamental freedoms and to end reprisals against individuals, including for cooperating with the United Nations human rights mechanisms;

14. *Strongly urges* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls, including with respect to the right to freedom of movement, the right to enjoyment of the highest attainable standard of physical and mental health and the right to work, to take measures to ensure protection for women and girls against violence and their equal protection and access to justice, to address the concerning incidence of child, early and forced marriage, as recommended by the Committee on the Rights of the Child, to promote, support and enable women's participation in leadership and decision-making processes and, while recognizing the high enrolment of women in all levels of education in the Islamic Republic of Iran, to lift restrictions on women's equal access to all aspects of education and women's equal participation in the labour market and in all aspects of economic, cultural, social and political life;

15. *Calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, including but not limited to Arabs, Azeris, Balochis and Kurds, and their defenders;

16. *Expresses serious concern* about ongoing severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, restrictions on the establishment of places of worship, attacks against places of worship and burial and other human rights violations, including but not limited to harassment, persecution, arbitrary arrests and detention, denial of access to education and incitement to hatred that leads to violence against persons belonging to recognized and unrecognized religious minorities, including Christians, Jews, Sufi Muslims, Sunni Muslims, Yarsanis, Zoroastrians and members of the Baha'i faith and their defenders in the Islamic Republic of Iran, and calls upon the Government of the Islamic Republic of Iran to release all religious practitioners imprisoned for their membership in or activities on behalf of a recognized or unrecognized minority religious group, including the seven Baha'i leaders declared by the Working Group on Arbitrary Detention of the Human Rights Council to have been arbitrarily detained since 2008, and to eliminate, in law and in practice, all forms of discrimination, including economic restrictions, such as the closure or confiscation of businesses and properties, the cancellation of licences and denial of employment in certain public and private sectors, including government or military positions and elected office, and other human rights violations against persons belonging to recognized and unrecognized religious minorities;

17. *Calls upon* the Islamic Republic of Iran to launch a comprehensive accountability process in response to all cases of serious human rights violations, including those involving the Iranian judiciary and security agencies, and calls upon the Government of the Islamic Republic of Iran to end impunity for such violations;

18. *Also calls upon* the Islamic Republic of Iran to ensure credible, transparent and inclusive presidential elections in 2017 and to allow all candidates to stand in a manner consistent with the Universal Declaration of Human Rights[1] and the International Covenant on Civil and Political Rights in order to guarantee the free expression of the will of the Iranian people, and to that end calls upon the Government of the Islamic Republic of Iran to allow independent national and international observation;

19. *Further calls upon* the Islamic Republic of Iran to implement its obligations under those human rights treaties to which it is already a party, to withdraw any reservations that are imprecise or could be considered incompatible with the object and purpose of the treaty, to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party and to consider ratifying or acceding to the international human rights treaties to which it is not already a party;

20. *Calls upon* the Islamic Republic of Iran to deepen its engagement with international human rights mechanisms by:

(a) Cooperating fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including by accepting the repeated requests made by the Special Rapporteur to visit the country in order to carry out the mandate;

(b) Increasing cooperation with other special mechanisms, including by facilitating long-standing requests for access to the country from thematic special procedures mandate holders, whose access to its territory has been restricted or denied, despite the standing invitation issued by the Islamic Republic of Iran, without imposing undue conditions upon those visits;

(c) Implementing all accepted universal periodic review recommendations from its first cycle, in 2010, and its second cycle, in 2014, with the full and genuine participation of independent civil society and other stakeholders in the implementation process;

(d) Building upon the engagement of the Islamic Republic of Iran with the universal periodic review process by continuing to explore cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

(e) Following through on its commitment to establish an independent national human rights institution, made in the context of both its first and second universal periodic reviews by the Human Rights Council, with due regard for the recommendation of the Committee on Economic, Social and Cultural Rights;

21. *Also calls upon* the Islamic Republic of Iran to continue to translate the pledges made by the President of the Islamic Republic of Iran with respect to human rights concerns into concrete action that results in demonstrable improvements as soon as possible and to ensure that its national laws are consistent with its obligations under international human rights law and that they are implemented in accordance with its international obligations;

22. *Further calls upon* the Islamic Republic of Iran to address the substantive concerns highlighted in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations in law and in practice;

23. *Strongly encourages* the relevant thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran;

24. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its thirty-fourth session;

25. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its seventy-second session under the item entitled "Promotion and protection of human rights".

Draft resolution IV
Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights,[1] international human rights treaties and other relevant international instruments and declarations,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming the responsibility of States to respect international law, including the principle that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State and from acting in any other manner inconsistent with the purposes of the United Nations, recalling its resolution 2625 (XXV) of 24 October 1970, in which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and reaffirming the principles contained therein,

Recalling its resolution 68/262 of 27 March 2014 on the territorial integrity of Ukraine, in which it affirmed its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders, and relevant decisions of international organizations, specialized agencies and bodies within the United Nations system,

Condemning the temporary occupation of part of the territory of Ukraine — the Autonomous Republic of Crimea and the city of Sevastopol (hereinafter "Crimea") — by the Russian Federation, and reaffirming the non-recognition of its annexation,

Welcoming the reports of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine, of the Commissioner for Human Rights of the Council of Europe, and of the human rights assessment mission of the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, in which they stated that violations and abuses of human rights continued to take place in Crimea and pointed to the sharp deterioration of the overall human rights situation,

Condemning the imposition of the legal system of the Russian Federation and the negative impact on the human rights situation in Crimea,

Condemning also the reported serious violations and abuses committed against residents of Crimea, in particular extrajudicial killings, abductions, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, arbitrary detentions, torture and ill-treatment of detainees and their transfer from Crimea to the Russian Federation, as well as reported abuses

[1] General Assembly resolution 217 A (III).

of other fundamental freedoms, including the freedoms of expression, religion or belief and association and the right to peaceful assembly,

Expressing serious concern at the decision of the so-called Supreme Court of Crimea of 26 April 2016 and the decision of the Supreme Court of the Russian Federation of 29 September 2016 to declare the Mejlis of the Crimean Tatar People, the self-governing body of the Crimean Tatars, to be an extremist organization and to ban its activities,

Recalling the prohibition under the Geneva Conventions of 12 August 1949[2] for the occupying Power to compel a protected person to serve in its armed or auxiliary forces,

Welcoming the continued efforts by the Secretary-General, the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe and other international and regional organizations to support Ukraine in promoting, protecting and ensuring human rights, and expressing concern over the lack of safe and unfettered access by established regional and international human rights monitoring mechanisms and human rights non-governmental organizations to Crimea,

1. *Condemns* the abuses, measures and practices of discrimination against the residents of the temporarily occupied Crimea, including Crimean Tatars, as well as Ukrainians and persons belonging to other ethnic and religious groups, by the Russian occupation authorities;

2. *Urges* the Russian Federation:

(a) To uphold all of its obligations under applicable international law as an occupying Power;

(b) To take all measures necessary to bring an immediate end to all abuses against residents of Crimea, in particular reported discriminatory measures and practices, arbitrary detentions, torture and other cruel, inhumane or degrading treatment, and to revoke all discriminatory legislation;

(c) To immediately release Ukrainian citizens who were unlawfully detained and judged without regard for elementary standards of justice, as well as those transferred across internationally recognized borders from Crimea to the Russian Federation;

(d) To address the issue of impunity and ensure that those found to be responsible for abuses are held accountable before an independent judiciary;

(e) To create and maintain a safe and enabling environment for journalists and human rights defenders to perform their work independently and without undue interference in Crimea;

(f) To permit the reopening of cultural and religious institutions;

(g) To revoke immediately the decision declaring the Mejlis of the Crimean Tatar People an extremist organization and banning its activities, and repeal the decision banning leaders of the Mejlis from entering Crimea;

[2] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

(h) To cooperate fully and immediately with the Office of the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe and the Council of Europe on the situation of human rights in Crimea;

3. *Requests* the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to ensure safe and unfettered access to Crimea by established regional and international human rights monitoring mechanisms to enable them to carry out their mandate;

4. *Urges* the Russian Federation to ensure the proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations to Crimea, recognizing that the international presence in Crimea is of paramount importance in preventing the situation from further deterioration;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a dedicated thematic report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol in accordance with the existing mandate and within the existing resources of the human rights monitoring mission in Ukraine, which is currently funded by voluntary contributions;

6. *Decides* to continue its consideration of the matter at its seventy-second session under the item entitled "Promotion and protection of human rights".